UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

EVGENY BURYAKOV,

Defendant.

15 CR. 73 (RMB)

LETTER OF REQUEST TO THE HIGH COURT OF IRELAND
FOR INTERNATIONAL JUDICIAL ASSISTANCE

The United States District Court for the Southern District of New York, Honorable Richard M. Berman, United States District Judge, presiding, presents its compliments to the High Court of Ireland (the "Irish Authority"), and respectfully requests judicial assistance in the preservation of evidence for trial, specifically, to conduct a deposition under oath of a witness, Mrs. Marina Buryakova. As confirmed below, it has been established by this Court that Mrs. Buryakova's testimony may be material to the above-referenced criminal matter, *United States v. Evgeny Buryakov*, pending before the United States District Court, Southern District of New York, and that it is in the interests of justice that Mrs. Buryakova's testimony be obtained by way of a deposition so that it may be available for use in this matter. A trial on this matter presently is scheduled to begin on April 4, 2016.

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the Irish Authority issue an order permitting the voluntary appearance of Mrs. Buryakova (a Russian citizen and resident), so that she may be deposed by counsel for Mr. Buryakov and the United States (through the United States Attorney's Office for the Southern District of New York), at The Westin Dublin, Westmoreland Street, Dublin 2, Ireland, or a location otherwise agreed to by the parties (and deemed appropriate by the Irish Authority). This Court has authorized counsel for Defendant to transmit this letter of request to the Irish Authority, pursuant to Irish law, in the interests of expediting the requested deposition.

THE ALLEGATIONS

The United States government is alleging in this matter that the defendant, Mr. Buryakov, has violated 18 United States Code ("U.S.C.") § 951, which prohibits acting in the United States as an agent of a foreign government without prior notification to the Attorney General. The United States Government further alleges that Mr. Buryakov conspired to violate 18 U.S.C. § 951, in violation of 18 U.S.C. § 371. The factual basis alleged in the Indictment is that Mr. Buryakov, with the assistance of two alleged co-conspirators, was working in the United States on behalf of the foreign intelligence agency of the Russian Federation without providing proper notification to the United States Government.

SUBJECT OF THE REQUEST FOR JUDICIAL ASSISTANCE

The witness, Mrs. Marina Buryakova, is the wife of the defendant and has agreed to appear and be deposed in Dublin, Ireland, by counsel for Mr. Buryakov and the United States. Mrs. Buryakova is a citizen of the Russian Federation and resides in Moscow. Mrs. Buryakova is expected to provide evidence that may be material to this matter, and the parties seek to preserve her testimony for use at trial in this matter. She has agreed to travel to Dublin, Ireland, to be deposed. Mr. Buryakov waives his physical presence at the deposition; if feasible, counsel for Mr. Buryakov will attempt to make it possible for Mr. Buryakov to monitor the deposition by telephonic or electronic means. The Court is ordering this deposition to preserve the testimony of this witness for trial in this matter.

ASSISTANCE REQUESTED

This Court requests that the attorneys for the United States and for Mr. Buryakov be authorized to conduct a deposition under oath of Mrs. Buryakova in accordance with the following procedures:

1. Recording: A court reporter will make a transcript of the deposition. The deposition also will be videotaped by a videographer.

2. Procedure: It is requested that:

    a. Mrs. Buryakova meet with Irish counsel for Defendant and confirm that she has traveled to Ireland voluntarily and is ready, willing and able to take an oath and then sit for a deposition in this matter;

    b. the manner of taking the deposition comply with United States procedural and evidentiary rules; and

    c. questions be posed directly to Mrs. Buryakova by defendant's counsel and counsel to the United States, with the assistance of an interpreter as necessary, and according to the procedures detailed further below.

3. Date: The deposition shall be taken on or before February 26, 2016.

4. Location: The deposition shall take place at The Westin Dublin, Westmoreland Street, Dublin 2, Ireland, or a location otherwise agreed to by the parties (and deemed appropriate by the Irish Authority).

5. Time needed: Three (3) consecutive days should be reserved for this deposition.

6. Daily Schedule: The deposition will take place starting at 0930 and ending at 1700 each day, with a one-hour break for lunch and other breaks as needed by the witness or the parties.

7. Oath: Prior to the commencement of the deposition, Mrs. Buryakova will be sworn to an oath by a person designated by the Irish Authority. Unless otherwise agreed to by counsel to the parties, the oath will state:

   In the testimony you are about to give, do you swear, affirm, and promise to tell the truth, the whole truth, and nothing but the truth? Do you further understand that if you do not tell the truth, you could be subject to the penalties of law for committing perjury?

   The interpreter shall also be sworn to a similar oath whereby he or she swears to provide an accurate interpretation of the questions posed and testimony provided.

8. Attendance: Individuals expected to be present at the deposition:

   a. Mrs. Marina Buryakova;

   b. the examiner appointed by the Irish Authority;

   c. counsel for Mr. Buryakov;

   d. counsel for the United States (including agents of the Federal Bureau of Investigation required to assist the United States in questioning the deponent);

   e. a United States Court Certified Interpreter qualified in English and Russian, to be provided by defendant's counsel;

   f. a court reporter to transcribe the deposition, to be provided by defendant's counsel;

   g. a videographer to videotape the deposition, to be provided by defendant's counsel; and

   h. Mr. Edward McGarr of McGarr Solicitors.

9. Order of Questioning and Objections: Mrs. Buryakova is to be examined under oath on matters relating to the criminal proceedings in this matter. Attorneys for Mr. Buryakov will pose questions to Mrs. Buryakova first, and may, in the course of

questioning, show Mrs. Buryakova documents or other items and/or mark documents or other items as exhibits. After that questioning is concluded, attorneys for the United States will pose questions, and may, in the course of questioning, show Mrs. Buryakova documents or other items and/or mark documents or other items as exhibits. Re-direct and re-cross examination will be allowed by the attorneys, as applicable. In the event that either party objects to a question, the objecting party shall concisely and in a non-argumentative and non-suggestive manner state the objection and the ground therefore on the record. To the extent the witness does not answer the question, the questioning party may seek a telephonic ruling from this Court on the objection, but the parties shall continue the deposition. The ultimate admissibility at trial of any portion of the deposition shall be ruled on by the Court in connection with the trial of this matter. The Court will be available between the hours of 8:30 – 10:30 AM (EST) on March 1, 2016 to receive any objections telephonically if supported by transcripts and exhibits submitted to the Court beforehand.

10. Language: The questions will be posed in English, and a United States Court Certified Interpreter qualified in English and Russian will be present at all times to interpret the questions to and answers of Mrs. Buryakova, as necessary. As noted above, it is further requested that the interpreter be sworn to an oath prior to the commencement of the deposition.

11. Transmission of Transcript: The deposition transcript, and any documents or other material marked as exhibits to the deposition, and any video recording of the deposition shall be transported and/or transmitted back to the United States by

defendant's counsel, with a copy to counsel for the United States.

12. Notice: This letter of request has been ordered by the Court and made on notice to:

Counsel for Defendant Evgeny Buryakov
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13. Costs: The costs to the Irish Authority associated with this letter of request, including the costs of the examiner appointed by the Irish Authority, shall be reimbursed by defendant's counsel. Defendant's counsel also shall bear the costs of the venue, interpreter, court reporter, videographer, and video equipment.

14. Ex Parte Application: The firm of McGarr Solicitors of 12 City Gate, Lower Bridge St., Dublin 8, Ireland is hereby authorized to transmit this letter of request to the Irish Authority on behalf of this Court by making, pursuant to Irish law, an ex parte application seeking an order in respect of this letter of request. (Counsel for Mr. Buryakov shall provide the ex parte application to counsel for the United States prior to the application being made.)

CONCLUSION

In the spirit of comity and reciprocity, this Court hereby requests international judicial assistance of Ireland, through the High Court of Ireland, in fulfilling the above request for the preservation of evidence for trial as expeditiously as possible. This Court expresses its sincere willingness to provide similar assistance to the High Court of Ireland if future circumstances should require. Please accept the assurance of our highest esteem.

On consent of parties

RMB

Dated: January 15, 2016
New York, New York

HON. RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE

United States District Court
for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
Courtroom 17B
New York, New York 10007-1312
United States of America